

My name is Pete Shea. I live in East Glacier Park, MT, and have been a teacher in the Browning Public School district for the past 30 years.

State of Montana
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Date 3-14-2011
HB 516

I am here today as the state coordinator in Montana for PFLAG (Parents, Friends and Families of Lesbians and Gays), which is a national support group.

I am also PFLAG's representative to the Montana Safe Schools Coalition, an organization formed in 2001 to offer educators and administrators a teacher training program designed to help educators in ending violence against gay youth in Montana's schools. The coalition was formed in response to concerns of teachers, students, and parents about severe anti-gay harassment, bullying, and violence in Montana schools.

As a Montana citizen, an educator, a parent, (and a gay man), I urge you to vote against HB 516.

The preamble to our Montana state constitution speaks of "desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations." In what way does HB 516 improve the quality of life or equality of opportunity or secure any blessings of liberty for this or future generations? What could possibly be gained from the adoption of this bill as law?

Our constitution states in Article 2, Section 4, that "No person shall be denied the equal protection of the laws." Our constitution continues to state that there shall be no discrimination "against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas." The intent of this section, as I see it, is that there should be no discrimination. Period.

Granted, there is no provision in the Montana constitution for protection from discrimination based on sexual orientation or gender identity. There should be.

"Unfortunately, there is currently no federal statute prohibiting private sector sexual orientation discrimination in the workplace. However, if you work for the federal government, you are protected from sexual orientation discrimination." (FindLaw.com)

According to the same source, almost half of the states, including the District of Columbia, have sexual orientation laws that prohibit discrimination in both private and public workplaces. Although not listed in that group, Montana is listed as one of the states that prohibits sexual orientation discrimination in public workplaces. If we prohibit such discrimination in public workplaces, shouldn't we prohibit it in any place? If some states prohibit such discrimination, shouldn't all?

Discrimination against gay, lesbian, bisexual and transgender people may be the last legal form of discrimination. Montana citizens can be legally discriminated against simply because of their sexual orientation or their gender identity. In my opinion, the state is not doing its duty to protect all citizens equally under the law.

The issue here is whether municipalities may enact their own statutes and protections that go beyond those provided by the state. Article XI, Section 4, of our Montana constitution states: "The powers of incorporated cities and towns and counties shall be liberally construed." What does that mean, and how does it apply to this situation?

The heart of this debate concerns the contentious issue of homosexuality. I would like to make several points in regard to being gay:

1. Our concern here should not be the morality of this issue. We all have our beliefs—religious or political, but, regardless of beliefs, our concern here should be the equal protection of all citizens under the law.
2. Homosexuality has existed throughout history and within all cultures. Statistics concerning the incidence of homosexuality in our society and our state cannot be precise figures because they are based on self-identity. If a man says he's gay, he is. If he says he's not, he might not be. (Many choose to stay in the closet because they don't want to face the cruelty that too many gay people experience.) A commonly offered figure is that approximately 10% of our population might be gay. One in four families may have gay members. Homosexuality occurs, some say, at about the same rate as left-handedness in the population, and it occurs as frequently among Republicans as it does among Democrats.
3. Homosexuality is not a choice. Neither is heterosexuality. You may choose what you do about your sexuality. If you are gay, you may choose to live in the closet or to face the difficulties head-on. If you are heterosexual, you may choose to get married or not.
4. Have we forgotten so quickly all the suicides of young people that filled the news for weeks last fall? One of those suicides, which may not have been a front-page issue or which you might not have noticed because there were so many similar stories at the time, was that of 19-year-old Zach Harrington of Norman, OK. Less than a week before he took his own life, Zach had attended a City Council meeting where the city was debating whether or not to observe October as LGBT History Month. Zach's family indicated that it was the "toxic" environment and comments made at this meeting that pushed him over the edge and led to his suicide.

This setting reminds me of that city council meeting. Do we want to create or perpetuate the same kind of toxic environment. Perhaps the old saying applies here: "If you're not part of the solution, then you are part of the problem."

Within the past couple weeks, the U S Supreme Court, in an 8-1 decision, upheld the free speech rights under the U S Constitution of the Rev. Fred Phelps and his Westboro Baptist Church—the group that protests at the funerals of our fallen soldiers. As much as we might want to scream, "No! No!" we have to feel proud that our country goes to extremes to protect freedoms of all citizens, even those with the most hateful and shameful messages. Shouldn't we go to the same extremes to guarantee the freedom and protections of all our citizens?